



*Phil Mullin*

***Bill Analysis***  
*Legislative Service Commission*

## **Sub. S.B. 87**

127th General Assembly  
(As Reported by H. State Government & Elections)

**Sens. Carey, D. Miller, Mumper, Padgett, Clancy, Bocchieri, Schaffer, Schuler, Mason, Cafaro, Austria, Fedor, Gardner, Goodman, Grendell, Harris, Niehaus, Roberts, Sawyer, Spada, Stivers**

**Reps. Daniels, Hite, D. Stewart, Brown, Carmichael, Collier, Domenick, Flowers, Lundy, Schneider, Sykes**

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### **BILL SUMMARY**

- Creates the Statewide Emergency Alert Program to aid in the identification and location of missing persons who have a mental impairment or are 65 years of age or older.
- Establishes activation criteria for the program.
- Grants immunity to broadcasters with regard to alerts.
- Prohibits any name from being given to the Statewide Emergency Alert Program that conflicts with any alert code standards that federal law requires and that govern the naming of emergency alert programs.
- Requires that readily available information about a missing person under age 18 be integrated into the National Crime Information Center computer immediately, rather than within 12 hours, following the making of a report on the missing person.
- Requires that information about a missing person who is at least 18 but less than 21 years of age be made available (1) immediately, rather than within a specified number of days depending on whether the missing person is a victim of foul play, and (2) through the National Crime Information Center, rather than through the Law Enforcement Automated Data System (LEADS).

- Requires that information about a missing person who is 21 years of age or older be made available through the National Crime Information Center rather than through LEADS.

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## **CONTENT AND OPERATION**

### **Statewide Emergency Alert Program**

The bill creates the Statewide Emergency Alert Program to aid in the identification and location of missing persons with mental impairment or who are 65 years of age or older. The missing persons to be aided by the program must be temporary or permanent residents of Ohio or be believed to be temporary or permanent residents, must be at a location that cannot be determined by an individual familiar with the person, must be incapable of returning to their residences without assistance and their disappearance, as determined by a law enforcement agency, must pose a credible threat of immediate danger of serious bodily harm or death to the missing individual. The program must be a coordinated effort among the Governor's office, the Department of Public Safety, the Attorney General, law enforcement agencies, public and commercial television and radio broadcasters in Ohio, and others as determined necessary by the Governor. The bill prohibits any name from being given to the Statewide Emergency Alert Program that conflicts with any alert code standards that federal law requires and that govern the naming of emergency alert programs. (R.C. 5502.522(A).)

The Statewide Emergency Alert Program is not to be implemented unless all of the following activation criteria are met: (1) the local investigating law enforcement agency confirms that the individual is missing, (2) the individual is 65 years of age or older or has a mental impairment, (3) the disappearance of the individual poses a credible threat of immediate danger of serious bodily harm or death to the individual, and (4) there is sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual. (R.C. 5502.522(B).) After a local investigating law enforcement agency receives information meeting the activation criteria, it is permitted to allow 24 hours to elapse before it notifies the statewide program (R.C. 5502.522(E)). The statewide program activation criteria do not prevent the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan (R.C. 5502.522(C)).

"Law enforcement agency" is defined to include a sheriff's office, the office of a village marshal, a municipal police department, a regional transit authority police force, a metropolitan housing authority police force, the State Highway

Patrol, a state university law enforcement agency, a township police constable's office, and the police department of a township or joint township police district. "Mental impairment" is defined as a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as certified by a licensed physician, psychiatrist, or psychologist. (R.C. 5502.522(G).)

The bill provides immunity from liability for radio stations, television stations, and cable systems participating in the statewide emergency alert program or in any local or regional emergency alert program. The immunity extends to any director, officer, employee, or agent of any such station or system participating in either type of alert program. These persons will not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information under either type of alert program. (R.C. 5502.522(D).)

The bill states that it cannot be construed to authorize the use of the federal emergency alert system unless federal law otherwise allows it (R.C. 5502.522(F)).

### **Changes in the Missing Persons Law**

Under current law, if a law enforcement agency with jurisdiction in the matter is informed that a person under age 18 is or may be a missing child and that the person providing the information wishes to file a missing child report, the agency must take that report. If a missing child report is made, the law enforcement agency must gather readily available information about the missing child and integrate it into the National Crime Information Center computer within 12 hours following the making of the report. The bill requires this integration to be made immediately following the making of the report. (R.C. 2901.30(B) and (C).)

Under current law, if a law enforcement agency receives a report that a person over age 18 is missing and, if there is evidence that the person was a victim of foul play at the time the victim is reported missing, the agency must make available through the Law Enforcement Automated Data System (LEADS) all information contained in the report not later than seven days after the agency receives the report. If there is no evidence that the person was a victim of foul play, the agency must make the information available through LEADS not later than 30 days after receiving the report the person is missing. (R.C. 2901.42(A).)

The bill generally maintains the provisions described in the immediately preceding paragraph for missing persons age 21 and over, although it does require that the agency make information in the missing persons report available through the National Crime Information Center rather than through LEADS. If a law

enforcement agency receives an initial report or receives additional information for the report that a person who is at least 18 but less than 21 years of age is missing, the bill requires that the law enforcement agency make available through the National Crime Information Center all information contained in the report immediately after the agency receives the report or additional information rather than within a specified number of days depending on whether the missing person is a victim of foul play as required by current law. (R.C. 2901.42(A), (B), and (C).)

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## HISTORY

ACTION	DATE
Introduced	03-01-07
Reported, S. State & Local Gov't & Veterans Affairs	10-23-07
Passed Senate (30-0)	11-14-07
Reported, H. State Gov't & Elections	02-12-08

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